

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

RICKY RONNELL EWING

PLAINTIFF

v.

CAUSE NO. 1:16CV121-LG-RHW

DARLENA FROST

DEFENDANT

ORDER OF DISMISSAL

THIS MATTER IS BEFORE THE COURT sua sponte for consideration of dismissal. When the plaintiff Ricky Ronnell Ewing filed this case in April 2016, he filed a Motion for Leave to Proceed In Forma Pauperis (IFP). United States Magistrate Judge Robert H. Walker initially granted Ewing permission to proceed IFP. However, Ewing accumulated his third strike when his lawsuit *Ewing v. Richie*, No. 1:16cv90-HSO-JCG, was dismissed for failure to state a claim on February 23, 2017. Since Ewing was no longer entitled to proceed in federal court without paying costs and fees, Judge Walker issued Proposed Findings of Fact and Recommendation [24] recommending that Ewing's IFP status be revoked.

This Court adopted Judge Walker's Proposed Findings of Fact and Conclusions of law in an Order [27] entered on April 5, 2017, and ordered Ewing to pay the entire filing fee and administrative fee within thirty days. The Court warned Ewing that failure to timely pay the required fees would result in an order of dismissal for failure to prosecute pursuant to Fed. R. Civ. P. 41(b) without further notice. As of this date, Ewing has not paid the filing fee or administrative fee.

Fed. R. Civ. P. 41(b) provides that “[i]f the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.” The Court may also sua sponte dismiss the action for failure to prosecute or for failure to comply with a court order. *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998). Since Ewing has failed to comply with this Court’s Order, his complaint will be dismissed.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Ricky Ronnell Ewing’s complaint is **DISMISSED WITHOUT PREJUDICE** pursuant to Fed. R. Civ. P. 41(b).

SO ORDERED AND ADJUDGED this the 22nd day of June, 2017.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE